

**STATEMENT OF THE
HONORABLE JOHN J. DUNCAN, JR.
HEARING ON
BARRIERS TO THE CLEANUP OF
ABANDONED MINE SITES
March 30, 2006**

I would like to welcome everyone to our hearing today on barriers to the cleanup of abandoned mine sites around the country, and potential ways to encourage volunteers to help clean up these sites.

Past mining activities, which occurred when mining practices were less sophisticated than today, disturbed hundreds of thousands of acres of land, altered drainage patterns, and generated substantial amounts of waste scattered around the landscape.

Today, there are several hundred thousand of these old mine sites in the United States. Many of these mines were abandoned by the owners or operators a long time ago, when the remaining minerals became too difficult or costly to extract.

Although operated consistent with the governing laws at the time, many of these abandoned mines now pose environmental and health threats to surrounding surface and ground waters, and to downstream interests.

Nationally, tens of thousands of miles of streams are polluted by acid mine drainage and toxic loadings of heavy metals leaching from many of these old mines, impacting fisheries and water supplies.

State and Federal agencies have worked to remedy these problems, but the number of sites and the expense involved has made progress very slow.

A lot of these old mine lands lack a viable owner or operator with the resources to remediate them. Many others are truly abandoned, with no identifiable owner or operator to hold responsible.

As a result, few of these old mine sites are getting cleaned up.

Public or private volunteers (or “Good Samaritans”) have been willing to partially remediate many of these sites.

These Good Samaritans may be driven by a desire to improve the environment. Others may want to improve water quality at their water supply source. And still others may want to clean up an old mine site for the purpose of re-mining the area.

However, most Good Samaritans have been deterred from carrying out these projects by the risk of becoming liable for complete cleanup required by various environmental laws.

This is because current Federal law does not allow for partial cleanups.

For example, if a Good Samaritan steps in to partially clean up an abandoned mine site, that party could become liable under the Clean Water Act or Superfund for a greater level of cleanup and higher costs than the party initially volunteered for.

Because they could face the legal consequences if they fall short of complete cleanup, most potential Good Samaritans refrain from attempting to address a site's pollution problems at all.

Federal policy should encourage, and not discourage, parties to volunteer themselves to clean up abandoned mine sites.

We should consider whether, in some circumstances, environmental standards should be made more flexible in order to achieve at least partial cleanup of sites that otherwise would remain polluted.

This is not about letting polluters off the hook. They should remain responsible under existing law.

However, if a party unconnected to an abandoned mine site steps forward to help with remediation, everyone wins.

I believe there is little disagreement that encouraging volunteers to clean up abandoned mine sites is a worthwhile policy.

However, in exploring the details of such a policy, a number of issues arise, such as who should be eligible for a lower standard of cleanup; how should new standards be applied; and how should potential re-mining of these sites be addressed.

To help us identify and address these and other issues, we have assembled a number of parties who have been actively involved in the debate over how to address the abandoned mines problem in this country.

I hope our witnesses will bring forward ideas on how we can remove impediments to abandoned mine cleanups and get more Good Samaritans to step forward.

I look forward to an educational and enlightening hearing.